

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FINANCIAL SERVICES VEHICLE
TRUST, *by and through its servicer,*
BMW Financial Services NA, LLC,

Plaintiff,

-against-

KEMUEL SAMAROO,

Defendant.

MEMORANDUM AND ORDER

Case No. 24-CV-4512

For the Plaintiff:

STEVEN A. ANDREACCHI
Biedermann Hoenig Semprevivo, PC
60 E. 42nd Street, 36th Floor
New York, NY 10165

BLOCK, Senior District Judge:

On November 22, 2024, the Court referred to Magistrate Judge James M. Wicks a motion for default judgment by Financial Services Vehicle Trust (“Plaintiff”) against Kemuel Samaroo (“Defendant”). Plaintiff alleges Defendant violated the Federal Odometer Act, 49 U.S.C. §32701 *et seq.*, by installing an odometer tampering device in a leased 2019 BMW X5, depreciating its value.

On April 21, 2025, Magistrate Judge Wicks issued a Report & Recommendation (“R&R”) recommending the Court grant Plaintiff’s motion and award Plaintiff \$19,810.09, comprising actual damages of \$13,175.43 and reasonable attorneys’ fees and costs of \$6,634.66. Parties were given 14 days to file

objections, i.e., until May 5, 2025, and warned that “[f]ailure to file objections within fourteen (14) days will preclude further review of this [R&R.]” ECF No. 13.

No objections have been filed. If clear notice has been given of the consequences of failing to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) (“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” (citations omitted)). The Court will, however, excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the R&R’s face. Thus, the Court adopts it without *de novo* review. The Court directs the Clerk to enter judgment against Defendant in accordance with the R&R, awarding Plaintiff \$19,810.09.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
May 20, 2025